

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-36 are pending in the present application, Claims 1, 2, 4-6, 8, 9, 11-14, 16-18, 20, 21, and 23-36 having been amended. Support for the amendments to independent Claims 1, 13, and 25 is found, for example, in Applicant's Fig. 9. The dependent claims are amended to be consistent with the amended independent Claims. Applicants respectfully submit that no new matter is added.

In the outstanding Office Action, Figs. 10-24 were objected to; and Claims 1-36 were rejected under 35 U.S.C. §102(b) as anticipated by Ramberg et al. (U.S. Patent Publication No. 2003/0014505, hereinafter Ramberg).

With respect to the objection to Figs. 10-24, Applicant respectfully submits formal drawings, which correct the informalities noted in the outstanding Office Action. The handwritten reference numbers are replaced with type-written reference numbers. Previously unlabeled drawings are amended to include reference numerals. The specification is also amended to refer to the added reference numerals. Applicants respectfully submit that no new matter is added.

With respect to the rejection of Claim 1 as anticipated by Ramberg, Applicants respectfully submit that the amendment to Claim 1 overcomes this ground of rejection. Claim 1 is amended to more clearly describe and distinctly claim the subject matter Applicant regards as the invention. Amended Claim 1 recites, *inter alia*, "the monitored device being configured to process two or more of the plurality of communication protocols; and directly accessing the monitored device using the selected communication protocol and the information retrieved from the first memory and stored in the second memory by the

monitoring computer.” Ramberg does not disclose or suggest these elements of amended

Claim 1.

Ramberg describes a system and method for remotely diagnosing and repairing a plurality of automatic data collection devices 101 and 102.<sup>1</sup> A service technician utilizes a web browser in a remote computing system to access a Hypertext Transfer Protocol ("HTTP") server and retrieve from the HTTP server Hypertext Mark-Up Language ("HTML") documents, Dynamic Hypertext Mark-Up Language ("DHTML") documents, Extensible Mark-Up Language ("XML") documents, and/or documents in other data formats over the World Wide Web, according to one embodiment of the invention. The service technician's remote computing system uses small diagnostic programs, or applets, contained in the HTML documents, DHTML documents, and/or XML documents to perform diagnostic queries on ADC device platforms, diagnose anomalies, and reconfigure malfunctioning subsystems on the ADC device platform. In each ADC device platform of the plurality of the ADC device platforms, a Simple Network Management Protocol ("SNMP") master agent communicates with the service technician's remote computing system. An SNMP subagent translates a diagnostic query forwarded by the SNMP master agent into a format suitable for reception by the subsystem to which the query was directed. The SNMP subagent translates data received from the queried subsystem into the proper format for transmission to the SNMP master agent which forwards the data to the remote computing system. Once the data arrives at the remote computing system, it may be analyzed by the service technician.<sup>2</sup>

As explained above, the monitored device in Ramberg is ADC device 101 or 102. ADC device 101 or 102 is the monitored device because these are the devices or subsystems that the query is directed to. However, the remote computing system 120 does not directly access the monitored device (ADC device 101 or 102). On the contrary, any query sent by

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<sup>1</sup> Ramberg, Abstract and paragraph [0034].

<sup>2</sup> Ramberg, paragraph [0007].

the remote computer of Ramberg needs to be relayed through the SNMP master agent 220 before the query is sent to the ADC device 101 or 102. This is because the ADC device 101 or 102 only processes data in one communication protocol, and the SNMP master agent has to convert the format of the query into SNMP and the SNMP subagent has to convert the SNMP into the one communication protocol used by ADC device 101 or 102. Thus, the remote computer 120 does not directly access the monitored device (ADC device 101 or 102).

Furthermore, monitored device (ADC device 101 or 102) of Ramberg is not configured to process two or more of the plurality of communication protocols. On the contrary, ADC device 101 or 102 each has its own format and the SNMP master agent and SNMP subagent translate the query to the particular format of the ADC device 101 or 102.<sup>3</sup> Thus, ADC device 101 or 102 is not configured to process two or more of the plurality protocols, and is only configured to process one protocol.

Furthermore, Applicants note that it would not be obvious to bypass or remove the SNMP master agent or SNMP subagent so that the remote computer 120 communicates directly with ADC device 101 or 102. The SNMP master agent and SNMP subagent are essential parts of the system described in Ramberg. Because ADC device 101 or 102 only processes one communication protocol, it is essential for the system described in Ramberg to have a device that converts one protocol format into another protocol format. Applicants note that any proposed modification that would change the basic operating principle of a reference is not an obvious one. See In re Ratti, 123 USPQ 349, 352 (CCPA 1959).

In view of the above-noted distinctions, Applicant respectfully submits that Claim 1 (and any Claims dependent thereon) patentably distinguish over Ramberg. Claims 13 and 25, although of different statutory classes, recite elements analogous to those of Claim 1.

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<sup>3</sup> Ramberg, paragraph [0025].

Applicants respectfully submit that Claims 13 and 25 (and any claims dependent thereon) patently distinguish over Ramberg, for at least the reasons stated for Claim 1.

Consequently, in light of the above discussion and in view of the present amendment, the present application is believed to be in condition for allowance and an early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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